

### **IC 20-9.1-3**

#### **Chapter 3. School Bus Drivers**

### **IC 20-9.1-3-1**

#### **School bus drivers or school bus monitors; requirements**

Sec. 1. (a) A person may not drive a school bus for the transportation of school children or be employed as a school bus monitor unless the person satisfies the following requirements:

- (1) Is of good moral character.
- (2) Does not use intoxicating liquor during school hours.
- (3) Does not use intoxicating liquor to excess at any time.
- (4) Is not addicted to any narcotic drug.
- (5) Is at least:
  - (A) twenty-one (21) years of age for driving a school bus; or
  - (B) eighteen (18) years of age for employment as a school bus monitor.
- (6) Holds a valid public passenger chauffeur's license or commercial driver's license issued by the state of Indiana or any other state.
- (7) Possesses the following required physical characteristics:
  - (A) Sufficient physical ability to be a school bus driver, as determined by the state school bus committee (IC 20-9.1-4-1).
  - (B) Possession and full normal use of both hands, both arms, both feet, both legs, both eyes, and both ears.
  - (C) Freedom from any communicable disease that:
    - (i) may be transmitted through airborne or droplet means; or
    - (ii) requires isolation of the infected person under 410 IAC 1-2.1.
  - (D) Freedom from any mental, nervous, organic, or functional disease which might impair the person's ability to properly operate a school bus.
  - (E) Visual acuity, with or without glasses, of at least 20/40 in each eye and a field of vision with 150 degree minimum and with depth perception of at least 80%.

However, subdivision (6) does not apply to the employment of a school bus monitor.

(b) This subsection applies to school bus monitors. Notwithstanding subsection (a)(5)(B), a school corporation or school bus operator may not employ an individual who is less than twenty-one (21) years of age as a school bus monitor unless the school corporation or school bus operator does not receive a sufficient number of qualified applicants for employment as school bus monitors who are at least twenty-one (21) years of age. A school corporation or school bus operator shall maintain a record of applicants, their ages, and their qualifications to show compliance with this subsection.

*(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by Acts 1982, P.L.84, SEC.3; P.L.155-1997, SEC.5; P.L.94-1998, SEC.3;*

*P.L.54-1998, SEC.4.*

#### **IC 20-9.1-3-1.5**

##### **School bus driver's driving summary; requirement**

Sec. 1.5. (a) Before a school corporation enters into a:

- (1) contract with a school bus driver; or
- (2) fleet contract under IC 20-9.1-2;

the school corporation shall obtain, at no fee from the bureau of motor vehicles, a copy of the school bus driver's driving summary for the last seven (7) years as maintained by the bureau of motor vehicles of the state of Indiana or other states maintaining such records.

(b) To obtain a copy of the school bus driver's driving summary as required under subsection (a), the school corporation shall provide the bureau of motor vehicles with the following information:

- (1) The school bus driver's name.
- (2) The school bus driver's Social Security number.
- (3) Any other information required by the bureau.

*As added by P.L.227-1987, SEC.1. Amended by P.L.204-1989, SEC.1.*

#### **IC 20-9.1-3-1.6**

##### **Consumption or possession of controlled substances; offense**

Sec. 1.6. (a) As used in this section, "controlled substance" has the meaning set forth in IC 35-48-1.

(b) A person who is a school bus driver and who knowingly and intentionally:

- (1) consumes a controlled substance or intoxicating liquor within six (6) hours before:
  - (A) going on duty; or
  - (B) operating a school bus; or
- (2) consumes or possesses a controlled substance or intoxicating liquor while on duty or while operating a school bus;

commits a Class A misdemeanor.

(c) It is a defense in a prosecution under this section if a controlled substance is consumed or possessed in accordance with a medical prescription issued by a physician licensed under IC 25-22.5 to the person who consumes or possesses the controlled substance.

*As added by P.L.205-1989, SEC.1.*

#### **IC 20-9.1-3-2**

##### **School bus drivers; physical fitness certificate**

Sec. 2. School Bus Drivers, Physical Fitness Certificate. Every person who is or intends to become a school bus driver shall obtain a certificate that he possesses the physical characteristics required by section 1(7) of this chapter. The certificate shall be made by an Indiana physician after the physician has conducted a physical examination of the driver or prospective driver. The physician shall be chosen by the driver or prospective driver who shall pay for the examination.

*(Formerly: Acts 1973, P.L.218, SEC.2.) As amended by P.L.1-2003, SEC.66.*

### **IC 20-9.1-3-3**

#### **School bus drivers; physical examination; time**

Sec. 3. School Bus Drivers, Physical Examination, Time. (a) When a person holds a contract to serve or is serving as a school bus driver at the time he obtains a public passenger chauffeur's license, he shall undergo the physical examination required by section 2 of this chapter at about the same time as he acquires the chauffeur's license. The certificate of his examination and qualification shall be filed within seven (7) days of the examination.

(b) When a person executes a contract to drive a school bus or begins serving as a school bus driver after he last secured a public passenger chauffeur's license, he may not drive any school bus unless:

(1) He files a certificate of a physical examination made at the time he last secured a public passenger chauffeur's license, or

(2) If a certificate was not made at the time of the prior examination or is unobtainable, he undergoes a new physical examination and files a certificate from that examination.

*(Formerly: Acts 1973, P.L.218, SEC.2.)*

### **IC 20-9.1-3-4**

#### **School bus drivers; additional physical examinations**

Sec. 4. School Bus Drivers, Additional Physical Examinations. A governing body may, at any time, require any driver operating a school bus for its school corporation to submit to a physical examination by a licensed Indiana physician selected by the corporation. The school corporation shall pay the cost of an examination under this section.

*(Formerly: Acts 1973, P.L.218, SEC.2.)*

### **IC 20-9.1-3-5**

#### **Transportation or fleet contracts; compensation**

Sec. 5. Transportation or Fleet Contracts, Compensation. When a school bus driver operates under a transportation or fleet contract, the compensation for the school bus driver or fleet contractor shall be determined and fixed by the contract on a per diem basis for the number of days:

(a) on which the calendar of the school corporation provides that students are to be in attendance at school;

(b) on which the driver is required by the school corporation to operate the bus on school related activities; and

(c) on which inservice training is either required by statute or authorized by the school corporation including, but not limited to, the safety meeting workshops required under section 7 of this chapter.

*(Formerly: Acts 1973, P.L.218, SEC.2; Acts 1975, P.L.236, SEC.19.) As amended by P.L.2-1995, SEC.77.*

### **IC 20-9.1-3-6**

#### **School bus drivers; employment contract; compensation**

Sec. 6. School Bus Drivers, Employment Contract, Compensation. The compensation of school bus drivers who are employed by a public school corporation on a school year basis under an employment contract shall be fixed in the employment contract.  
(Formerly: Acts 1973, P.L.218, SEC.2.)

### **IC 20-9.1-3-7**

#### **Annual safety meeting; attendance required**

Sec. 7. Annual Safety Meeting, Attendance Required. Every school bus driver, including those who drive buses for private schools, is required to attend an annual safety meeting or workshop. No safety meeting or workshop shall exceed two (2) days in duration in any one (1) calendar year.  
(Formerly: Acts 1973, P.L.218, SEC.2.)

### **IC 20-9.1-3-7.5**

#### **Preservice school bus driver safety education training course**

Sec. 7.5. (a) Any individual without a minimum of thirty (30) days experience in driving a school bus during the three (3) year period immediately preceding the effective date of the individual's assignment as the driver of a school bus for any public or private school which is commissioned by the state board of education within Indiana shall satisfactorily complete a preservice school bus driver safety education training course. The course may not exceed forty (40) hours in duration.

(b) Course attendance must be completed:

- (1) prior to the assignment of any person required to take the course as the driver of a school bus; or
- (2) if immediate assignment is necessary, upon the completion of the next scheduled course following the assignment.

(c) The state superintendent of public instruction shall provide instructors, adequate meeting facilities, registration forms, a uniform course of instruction, and all other necessary materials for the preservice school bus driver safety education meetings.

*As added by Acts 1977, P.L.123, SEC.3. Amended by P.L.20-1984, SEC.103; P.L.135-1988, SEC.15.*

### **IC 20-9.1-3-8**

#### **Annual safety meetings; time and place**

Sec. 8. Annual Safety Meetings, Time and Place. The state school bus committee shall fix the time and place for annual safety meetings or workshops.  
(Formerly: Acts 1973, P.L.218, SEC.2.)

### **IC 20-9.1-3-9**

#### **Annual safety meetings; responsibility to conduct**

Sec. 9. Annual Safety Meetings, Responsibility to Conduct. The state school bus committee and the superintendent of the Indiana

state police shall provide instructors, adequate meeting facilities, and all other necessary facilities for the annual school bus driver safety meetings or workshops. The state school bus committee and the state police superintendent shall also prepare and furnish a uniform course of instruction to be used in the meetings or workshops.

*(Formerly: Acts 1973, P.L.218, SEC.2.)*

#### **IC 20-9.1-3-10**

##### **Annual safety meetings; registration**

Sec. 10. Annual Safety Meeting, Registration. The state school bus committee shall provide a uniform system for the registration of school bus drivers who are required to attend the annual safety meetings or workshops. This registration system shall accurately reflect the attendance of each driver at each session of the annual meeting or workshop. The registration form shall indicate the driver's name, his legal address and the name of the school he represents. The state superintendent of public instruction shall supervise registration of drivers at the annual safety meetings or workshops. The administrative head of each school shall prepare and collect the attendance records of its drivers who attend any safety meeting or workshops, and shall make a written report of them to the state superintendent of public instruction within ten (10) days after the meeting or workshop. Records of attendance shall be filed in the office of the state superintendent of public instruction and maintained there as public records for at least three (3) years.

*(Formerly: Acts 1973, P.L.218, SEC.2.)*

#### **IC 20-9.1-3-11**

##### **Annual safety meetings; nonattendance; penalty**

Sec. 11. Annual Safety Meeting, Non-attendance, Penalty. If a school bus driver for a public school corporation fails or refuses to attend any school bus driver meeting or workshop, the governing body of the school corporation shall deduct one day's compensation for each day of absence.

*(Formerly: Acts 1973, P.L.218, SEC.2.)*

#### **IC 20-9.1-3-11.5**

##### **Training certification**

Sec. 11.5. (a) Every driver of a school bus for any public or private school which is commissioned by the state board of education shall be required to have in his possession, while transporting passengers, a certificate which states he has enrolled in or completed a course in school bus driver safety education as required under sections 7 and 7.5 of this chapter or has operated a school bus thirty (30) or more days during the three (3) year period preceding the effective date of his employment.

(b) A certificate of enrollment in or completion of the course or courses in school bus driver safety education shall be prescribed by the Indiana state school bus committee and completed by the designated representative of the Indiana state school bus committee.

(c) Any driver of a school bus who fails to complete the school bus driver safety education course or courses, as required, shall be reported to the state school bus committee and to the school district where the driver is employed or under contract.

(d) Any driver of a school bus who fails to complete the school bus driver safety education course or courses, as required, may not drive a school bus within Indiana while transporting any school children.

*As added by Acts 1977, P.L.123, SEC.4. Amended by P.L.20-1984, SEC.104.*